

## 46 Am. Jur. 2d Judges § 50

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### Judges

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### VII. Compensation; Benefits; Allowances for Expenses

#### A. In General

## § 50. Basis of authority for compensation of judge

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Judges](#)  [22\(.5\)](#) to [22\(4\)](#)

The Federal Constitution provides that Judges of the Supreme Court and inferior federal courts are to receive compensation for their services at stated times.<sup>1</sup> Similarly, state constitutions sometimes provide for the compensation of judicial officers as provided by law.<sup>2</sup> This type of provision both vests the power and authority to set the salary scale for the judiciary in the legislative branch of a state government and gives the judiciary the inherent power to determine and compel payment of those sums of money which are reasonable and necessary to carry out its mandated responsibilities.<sup>3</sup> Such a provision has been interpreted as giving a nondelegable power to fix and ascertain the compensation of county judges to the legislature.<sup>4</sup> A state legislature's power to fix judicial compensation is immune from any interference or modification by county boards of supervisors or county officials who have no choice but to pay the compensation out of county funds as ordered by the legislature.<sup>5</sup>

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### Footnotes

- 1 U.S. Const. Art. III, § 1.
- 2 *Goodheart v. Thornburgh*, 118 Pa. Commw. 75, 545 A.2d 399 (1988), order *aff'd*, 521 Pa. 316, 555 A.2d 1210 (1989), on reconsideration, 523 Pa. 188, 565 A.2d 757 (1989); *Franks v. State*, 772 S.W.2d 428 (Tenn. 1989).
- 3 *Goodheart v. Thornburgh*, 118 Pa. Commw. 75, 545 A.2d 399 (1988), order *aff'd*, 521 Pa. 316, 555 A.2d 1210 (1989), on reconsideration, 523 Pa. 188, 565 A.2d 757 (1989).
- 4 *Franks v. State*, 772 S.W.2d 428 (Tenn. 1989).
- 5 *Olson v. Cory*, 35 Cal. 3d 390, 197 Cal. Rptr. 843, 673 P.2d 720 (1983).

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